

J. Thomas Hannan, State Bar No. 39140  
 Ronald Lovitt, State Bar No. 40921  
 Henry I. Bornstein, State Bar No. 75885  
 LOVITT & HANNAN, INC.  
 900 Front Street, Suite 300  
 San Francisco, CA 94111  
 Telephone: (415) 362-8769 / Facsimile: (415) 362-7528  
 lovitt@lh-sf.com; hbornstein@sbcglobal.net

John J. Bartko, State Bar No. 37372  
Charles G. Miller, State Bar No. 39272  
Christopher D. Sullivan, State Bar No. 148083  
**BARTKO, ZANKEL, TARRANT & MILLER**  
A Professional Corporation  
900 Front Street, Suite 300  
San Francisco, CA 94111  
Telephone: (415) 956-1900 / Facsimile: (415) 956-1152  
[csullivan@bztm.com](mailto:csullivan@bztm.com)

## Counsel for Defendants and Counterclaimants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INDIAN HARBOR INSURANCE	)	Case No. C 04-2615 JSW (consolidated with
COMPANY,	)	C 02-4548 JSW) (Related to C 04-4085 JSW)
	)	
Plaintiffs,	)	<b>STATUS REPORT PURSUANT TO</b>
	)	<b>ORDER DATED NOVEMBER 9, 2005</b>
v.	)	
	)	<b>AND ORDER THEREON</b>
VICTORIA WILLOCK, et al.	)	
	)	
Defendants,	)	
	)	
<hr/>	)	
AND RELATED COUNTERCLAIMS.	)	
	)	

Pursuant to this Court's order of November 9, 2005, the parties hereby submit this report regarding the status of the settlement in the case of Indian Harbor v. Willock et al., Case No.

///

///

///

///

C 04-2615 JSW (“Indian Harbor Action”), previously consolidated with Case No. C 02-04548.<sup>1</sup>

The parties to the Indian Harbor action have concluded negotiations in to attempt to resolve the consolidated action in its entirety. The parties to the Indian Harbor action have agreed to a settlement that would include each party to release and dismiss the litigation with each side to bear their own costs. The parties have prepared a settlement agreement and are in the process of finalizing the agreement and circulating it to obtain the necessary signatures for proper execution. The parties to the Indian Harbor action respectfully request that they be given thirty days, until January 8, 2006, to finalize the settlement agreement and file dismissals of the action.

Dated: December 8, 2005

LOVITT & HANNAN, INC.  
BARTKO, ZANKEL, TARRANT & MILLER  
A Professional Corporation

By: /s/ Christopher D. Sullivan  
Christopher D. Sullivan  
Counsel for Defendants and Counterclaimants

DATED: December 8, 2005

ROSS, DIXON & BELL, LLP

By: /s/ Robert M. Pozin  
Robert M. Pozin  
Counsel for Indian Harbor Insurance Company



December 9, 2005

<sup>1</sup> The parties to the Shaw Action requested a stay to complete the documentation of the settlement agreement and move for approval in the Bankruptcy Court. Subsequently, the parties to the consolidated action, Indian Harbor Insurance Company v. Willock, et al., Case No. C 04-2615 JSW, also moved for a stay pending the ruling of the Bankruptcy Court to allow the parties to that action to attempt a negotiated resolution of that case if the settlement of the Shaw Action is approved. On June 23, 2005, this Court entered orders staying both actions.